

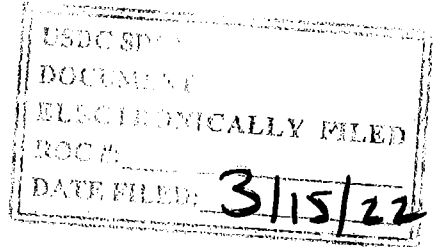
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
UNITED STATES OF AMERICA,

v.

LUIS BALBUENA,

Defendant.
-----X**ORDER**

18 CR 279 (VB)

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Chambers of Vincent L. Briccetti

DH

On March 14, 2022, the Court received a motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) in the above-captioned case. The two-page motion will be separately docketed.

Submitted as attachments to the motion were numerous documents that include sensitive information, such as, for example, medical records. The Court will file the attachments under seal and provide a copy of same to the government.

The government is directed to file a response to the motion by April 5, 2022. The government's response shall, if appropriate, address the issue of exhaustion, and shall in any event address the merits of the motion.

Defendant has also requested appointment of counsel, which is denied without prejudice as unwarranted. "[A] defendant filing a compassionate release motion [under 18 U.S.C. § 3582(c)(1)(A)] . . . has no constitutional or statutory right to the assistance of counsel." United States v. Fleming, 5 F.4th 189, 192 (2d Cir. 2021). "The appointment of [Criminal Justice Act] counsel at this stage rests in the court's sole discretion." Id. at 194 n.4. Here, defendant has submitted a detailed motion, including several attachments, and the issues presented by the motion are not complex. Accordingly, the Court sees no reason to appoint counsel at this time.

Chambers will mail a copy of this Order to defendant at the following address:

Luis Balbuena, Reg. No. 63062-054
FCI Allenwood Medium
Federal Correctional Institution
P.O. Box 2000
White Deer, PA 17887

Dated: March 15, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge